

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1. BENJAMIN VAUGHN, a/k/a "Ben" a/k/a "Man"
(Counts 1-4, 14-17, 23, 24)
2. JEROME HILL, a/k/a "Pooh"
(Counts 1-4, 10, 13, 14, 25, 31)
3. KENNETH VAUGHN, a/k/a "K-Money"
(Counts 1-4, 41-44)
4. JOSEPH F. SMITH, a/k/a "Fred"
(Counts 1-4, 19-21, 39, 40)
5. MARK ADAMS, a/k/a "Mark Jason"
(Counts 1-4, 22, 24, 37)
6. REGINALD PUGH, a/k/a "Reggie"
(Counts 1-4, 45-49)
7. GREGORY SILER, a/k/a "Marco"
(Counts 1-4, 6-9, 11, 12)
8. BRYAN JOHNSON, a/k/a "Stinker"
(Counts 1-4, 5, 32, 33, 35-38)
9. CRAIG SUMERLIN,
(Counts 1-4, 27-30)
10. CHRIS HILL,
(Counts 1-4, 18, 34)
11. JAYSON JONES,
(Counts 1-4)
12. TALBERT GROOMS,
(Counts 1-4, 26)
13. RONALD WERTS
(Counts 1, 35, 36, 38),

Defendants.

No. **3 : 08 cr 116**

INDICTMENT

21 U.S.C. § 846 **WALTER HERBERT RICE**
21 U.S.C. §§ 841(a)(1) and (b)(1)(A)
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
21 U.S.C. §§ 843(b) and (d)(1)
21 U.S.C. §§ 861(a)(1) and (b)
18 U.S.C. § 924(c)(1)(A)
18 U.S.C. §§ 922(g)(1) and 924(a)(2)
18 U.S.C. § 2

FORFEITURE

FILED

AUG 13 2008

JAMES BONINI, Clerk
DAYTON, OHIO

The Grand Jury charges:

COUNT ONE

**“CONSPIRACY TO DISTRIBUTE COCAINE BASE IN EXCESS OF FIFTY GRAMS AND
HEROIN IN EXCESS OF ONE HUNDRED GRAMS”**

[21 U.S.C. §§ 846 and 841(b)(1)(A) and (b)(1)(B) and (b)(1)(C)]

Between a beginning date unknown, but at least by on or about January 22, 2008, and in or about August 2008, in the Southern District of Ohio, the defendants, **BENJAMIN VAUGHN a/k/a “Ben” a/k/a “Man” (“VAUGHN”), JEROME HILL a/k/a “Pooh”, CRAIG SUMERLIN (“SUMERLIN”), BRYAN JOHNSON a/k/a “Stinker” (“JOHNSON”), JOSEPH F. SMITH a/k/a “Fred” (“SMITH”), GREGORY SILER a/k/a “Marco” (“SILER”), CHRIS HILL, JAYSON JONES (“JONES”), MARK ADAMS a/k/a “Mark Jason” (“ADAMS”), KENNETH VAUGHN a/k/a “K-Money,” REGINALD PUGH a/k/a “Reggie” (“PUGH”), TALBERT GROOMS (“GROOMS”), RONALD WERTS (“WERTS”),** and others known and unknown to the Grand Jury, did conspire to knowingly and intentionally:

- 1) distribute and possess with intent to distribute a substance or mixture containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), a Schedule II controlled substance, namely, in excess of 50 grams of a mixture or substance containing a detectable amount of Cocaine Base, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A);
- 2) distribute and possess with intent to distribute a mixture or substance containing a

detectable amount of Heroin, a Schedule I controlled substance, namely, in excess of 100 grams of a mixture or substance containing a detectable amount of Heroin, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B);

- 3) distribute and possess with intent to distribute a mixture or substance containing a detectable amount of Cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C);

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

“EMPLOYMENT OR USE OF PERSONS UNDER 18 YEARS OF AGE IN DRUG OPERATIONS”

[21 U.S.C. §§ 861(a)(1) and (b)]

Between a beginning date unknown, but at least by on or about January 22, 2008, and in or about August 2008, in the Southern District of Ohio, the defendants, **BENJAMIN VAUGHN, KENNETH VAUGHN, ADAMS, SUMERLIN, PUGH, JOHNSON, SMITH, JONES, GROOMS, SILER, JEROME HILL, and CHRIS HILL**, being at least eighteen years of age, knowingly and intentionally employed, hired, used, persuaded, induced, enticed, and coerced at least one person under eighteen years of age to violate any provision of subchapter I of chapter 13 of Title 21 of the United States Code, namely, to distribute and possess with intent to distribute a substance or mixture containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), a Schedule II controlled substance, namely, in excess of 5 grams of a mixture or substance containing a detectable amount of Cocaine Base, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

In violation of Title 21, United States Code, Sections 861(a)(1) and (b), Title 18, United States Code, Section 2, and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT THREE

“EMPLOYMENT OR USE OF PERSONS UNDER 18 YEARS OF AGE IN DRUG OPERATIONS”

[21 U.S.C. §§ 861(a)(1) and (b)]

Between a beginning date unknown, but at least by on or about January 22, 2008, and in or about August 2008, in the Southern District of Ohio, defendants **BENJAMIN VAUGHN, KENNETH VAUGHN, ADAMS, SUMERLIN, PUGH, JOHNSON, SMITH, JONES, GROOMS, SILER, JEROME HILL, and CHRIS HILL**, being at least eighteen years of age, knowingly and intentionally employed, hired, used, persuaded, induced, enticed, and coerced a person under eighteen years of age to violate any provision of subchapter I of chapter 13 of Title 21 of the United States Code, namely, to distribute and possess with intent to distribute a substance or mixture containing a detectable amount of Heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Sections 861(a)(1) and (b), Title 18, United States Code, Section 2, and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT FOUR

“POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME”

[18 U.S.C. § 924(c)(1)(A)]

Between a beginning date unknown, but at least by on or about January 22, 2008, and in

or about August 2008, in the Southern District of Ohio, the defendants, **BENJAMIN VAUGHN, KENNETH VAUGHN, ADAMS, SMITH, SUMERLIN, JOHNSON, SILER, JEROME HILL, CHRIS HILL, JONES, and PUGH**, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit: Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), knowingly possessed at least one firearm.

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2 and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT FIVE

“RETALIATING AGAINST A FEDERAL OFFICER BY THREAT”

[18 U.S.C. §§ 115(a)(1)(B) and (b)(4)]

On or about July 15, 2008, in the Southern District of Ohio, defendant **JOHNSON** did threaten to murder Special Agent Timothy A. Ferguson of the Federal Bureau of Investigation, with intent to retaliate against Special Agent Timothy A. Ferguson on account of the performance of his official duties.

In violation of Title 18, United States Code, Sections 115(a)(1)(B) and (b)(4).

COUNT SIX

“DISTRIBUTION OF HEROIN”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about January 22, 2008, in the Southern District of Ohio, defendant **SILER**

knowingly and intentionally distributed a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SEVEN

“DISTRIBUTION OF HEROIN”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about January 23, 2008, in the Southern District of Ohio, defendant **SILER** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT EIGHT

“DISTRIBUTION OF COCAINE BASE”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about January 23, 2008, in the Southern District of Ohio, defendant **SILER** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT NINE

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about January 30, 2008, in the Southern District of Ohio, defendant **SILER** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT TEN

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about February 21, 2008, in the Southern District of Ohio, defendant **JEROME HILL** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT ELEVEN

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about February 26, 2008, in the Southern District of Ohio, defendant **SILER** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT TWELVE

“DISTRIBUTION OF HEROIN”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about February 28, 2008, in the Southern District of Ohio, defendant **SILER** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THIRTEEN

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about March 14, 2008, in the Southern District of Ohio, defendant **JEROME**

HILL knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT FOURTEEN

“DISTRIBUTION OF HEROIN”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about April 1, 2008, in the Southern District of Ohio, defendants **BENJAMIN VAUGHN** and **JEROME HILL** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT FIFTEEN

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about April 15, 2008, in the Southern District of Ohio, defendant **BENJAMIN VAUGHN** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT SIXTEEN

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about April 18, 2008, in the Southern District of Ohio, defendant **BENJAMIN VAUGHN** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “Crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT SEVENTEEN

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about April 29, 2008, in the Southern District of Ohio, defendant **BENJAMIN VAUGHN** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT EIGHTEEN

“DISTRIBUTION OF COCAINE BASE IN EXCESS OF FIVE (5) GRAMS”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about May 28, 2008, in the Southern District of Ohio, defendant **CHRIS HILL** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Cocaine Base (commonly known as “crack cocaine”), namely, in excess of five (5) grams of a mixture or substance containing a detectable amount of Cocaine Base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT NINETEEN

“POSSESSION WITH INTENT TO DISTRIBUTE HEROIN”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about July 6, 2008, in the Southern District of Ohio, defendant **SMITH** knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWENTY

“POSSESSION WITH INTENT TO DISTRIBUTE OF COCAINE”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about July 13, 2008, in the Southern District of Ohio, defendant **SMITH**

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of Cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWENTY-ONE

“POSSESSION WITH INTENT TO DISTRIBUTE HEROIN”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about July 13, 2008, in the Southern District of Ohio, defendant **SMITH** knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWENTY-TWO

“DISTRIBUTION OF HEROIN”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about July 15, 2008, in the Southern District of Ohio, defendant **ADAMS** knowingly and intentionally distributed a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNTS TWENTY-THREE THROUGH FORTY-NINE

“USE OF A COMMUNICATION FACILITY IN COMMISSION OF FELONY

UNDER TITLE 21"

[21 U.S.C. §§ 843(b) and (d)(1)]

On or about the dates and times set forth in the table below, in the Southern District of Ohio, the defendants, **BENJAMIN VAUGHN, KENNETH VAUGHN, JEROME HILL, CHRIS HILL, JOHNSON, SUMERLIN, ADAMS, SMITH, PUGH** and **WERTS**, as set forth in the table below, did knowingly and intentionally use any communication facility, namely a telephone, in facilitating the commission of any act constituting a felony under subchapter I of Chapter 13 of Title 21 of the United States Code, namely, Title 21, United States Code, Sections 846 and 841(a)(1), that is, Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, as set forth in Count 1 of this Indictment incorporated by reference herein, each use of any communication facility constituting a separate count herein as follows:

COUNT	DATE	TIME	DEFENDANT(S)
TWENTY-THREE	JULY 2, 2008	10:56 A.M.	BENJAMIN VAUGHN
TWENTY-FOUR	JULY 2, 2008	11:54 A.M.	BENJAMIN VAUGHN AND ADAMS
TWENTY-FIVE	JULY 3, 2008	12:51 P.M.	JEROME HILL
TWENTY-SIX	JULY 3, 2008	5:49 P.M.	GROOMS
TWENTY-SEVEN	JULY 6, 2008	2:53 P.M.	SUMERLIN AND SMITH
TWENTY- EIGHT	JULY 6, 2008	2:55 P.M.	SUMERLIN AND SMITH

COUNT	DATE	TIME	DEFENDANT(S)
TWENTY-NINE	JULY 6, 2008	3:02 P.M.	SUMERLIN AND SMITH
THIRTY	JULY 6, 2008	4:17 P.M.	SUMERLIN AND SMITH
THIRTY-ONE	JULY 9, 2008	8:14 P.M.	JEROME HILL
THIRTY-TWO	JULY 9, 2008	10:39 P.M.	JOHNSON
THIRTY-THREE	JULY 10, 2008	12:59 P.M.	JOHNSON
THIRTY-FOUR	JULY 15, 2008	11:33 A.M.	CHRIS HILL
THIRTY-FIVE	JULY 15, 2008	8:14 P.M.	JOHNSON AND WERTS
THIRTY-SIX	JULY 15, 2008	8:17 P.M.	JOHNSON AND WERTS
THIRTY-SEVEN	JULY 15, 2008	8:21 P.M.	JOHNSON AND ADAMS
THIRTY-EIGHT	JULY 15, 2008	8:45 P.M.	JOHNSON AND WERTS
THIRTY-NINE	JULY 22, 2008	10:33 P.M.	SMITH
FORTY	JULY 23, 2008	4:42 P.M.	SMITH
FORTY-ONE	JULY 31, 2008	1:41 P.M.	KENNETH VAUGHN
FORTY-TWO	JULY 31, 2008	1:42 P.M.	KENNETH VAUGHN
FORTY-THREE	JULY 31, 2008	2:00 P.M.	KENNETH VAUGHN
FORTY-FOUR	JULY 31, 2008	3:27 P.M.	KENNETH VAUGHN
FORTY-FIVE	JULY 31, 2008	7:27 P.M.	PUGH
FORTY-SIX	JULY 31, 2008	7:32 P.M.	PUGH

COUNT	DATE	TIME	DEFENDANT(S)
FORTY-SEVEN	JULY 31, 2008	7:38 P.M.	PUGH
FORTY-EIGHT	AUGUST 3, 2008	11:47 A.M.	PUGH
FORTY-NINE	AUGUST 3, 2008	11:57 A.M.	PUGH

In violation of Title 21, United States Code, Sections 843(b) and (d)(1).

FORFEITURE ALLEGATION (COUNTS ONE THROUGH THREE)

Upon conviction of one or more of the controlled substance offenses alleged in Counts One through Three of this Indictment, defendant **JOHNSON** shall forfeit to the United States pursuant to 21 U.S.C. § 853(a)(1) and (2), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation[s] and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation[s], including but not limited to the following:

1. 2006 Dodge Charger, VIN# 2B3KA53H96H214651
2. 2000 Lincoln LS, VIN# 1LNHM87A6YY821360
3. 2000 Jaguar S Vehicle, VIN# SAJDA01D8yGL68897

Upon conviction of one or more of the controlled substance offenses alleged in Counts One through Three of this Indictment, defendant **PUGH** shall forfeit to the United States pursuant to 21 U.S.C. § 853(a)(1) and (2), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation[s], including but not limited to the following:

1. An AK-47 style rifle, bearing serial number BX-1229-86
2. Remington 870 Express Shotgun, with obliterated serial number

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.

A TRUE BILL

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FOREPERSON

GREGORY G. LOCKHART
United States Attorney


VIPAL J. PATEL
Deputy Criminal Chief